

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EDWIN J. HUTCHISON,  
Plaintiff,

No. C 09-00068 CW (PR)  
ORDER OF TRANSFER

v.

WARDEN JOHN MARSHALL, et al.,  
Defendants.

Plaintiff, a state prisoner, has filed a pro se civil rights action pursuant to 42 U.S.C. § 1983 and an application for in forma pauperis status.

Also before the Court are Plaintiff's motion for appointment of counsel and his "Ex-Parte Motion for Order to Have the United States Marshal Service to Serve Plaintiff's Summons and Complaint Upon Defendants."

When jurisdiction is not founded solely on diversity, venue is proper in the district in which (1) any defendant resides, if all of the defendants reside in the same State, (2) the district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought. See 28 U.S.C. § 1391(b).

1 The acts complained of occurred at the California Men's  
2 Colony, which is located in the Western Division of the Central  
3 District of California, and it appears that Defendants reside in  
4 that district. Venue, therefore, properly lies in that district  
5 and not in this one. See id.

6 Accordingly, in the interest of justice and pursuant to 28  
7 U.S.C. § 1406(a), this action is TRANSFERRED to the Western  
8 Division of the United States District Court for the Central  
9 District of California. The Clerk of the Court shall transfer the  
10 case forthwith.

11 Plaintiff's pending motions are TERMINATED on this Court's  
12 docket as no longer pending in this district.

13 IT IS SO ORDERED.

14 Dated: 6/23/09

  
\_\_\_\_\_  
CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE

United States District Court  
For the Northern District of California

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

EDWIN J. HUTCHISON,

Plaintiff,

v.

JOHN MARSHALL et al,

Defendant.

Case Number: CV09-00068 CW

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on June 23, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Edwin Jay Hutchison P-68859  
2N79 Low  
CSP- San Quentin  
San Quentin, CA 94964

Dated: June 23, 2009

Richard W. Wieking, Clerk  
By: Sheilah Cahill, Deputy Clerk

United States District Court  
For the Northern District of California